

New Ashford Planning Board Public Hearing (Continuation)
New Ashford Town Hall/Teleconference
June 2, 2021

Planning Board Present: Jennifer Lescarbeau (Chair), Mark Phelps, Steve Jennings, Tom Morton, Kevin Flicker (alt.)

Absent: Richard George

Others Present: Lori Jayko, Al Seney, Jeff Lynch, Luisa Volpi, Harrison Searles Jr., Gail Kapiloff, Alan Kapiloff, Matt Kelly

Call-in: None

Hearing opened at 7:41

For the Special Permit Application of J.W. Kelly's Enterprise and Robert Kelly + Irene Chang for property located on Lot 09-18 Beach Hill Rd appealing the Building Inspector's ruling that the applicants lot is noncompliant with zoning by-laws and requires a special permit to construct a single-family home.

The meeting was recorded on video by Harrison Searles.

Jeff Lynch, attorney representing Matt Kelly, said they are seeking a special permit for lot 9-18.

It was under contract to be sold and the Building Inspector entered the opinion that the lot had been abandoned and lost use as a non-conforming lot. Jeff said the zoning bylaw says if you lose your non-conforming status, it can be reconsidered by meeting with the Planning Board. Jeff disagrees that the property was abandoned. The property is located on Beach Hill Road, adjacent to two lots owned by the Kelly family, abutting property owned by the Kapiloffs on one side and by Norm Quinn on the other. Jeff stated that while there is only 100 feet of frontage, the acreage exceeds the minimum and the property will be used in the same way as others in the neighborhood. Matt Kelly would like the lot to be deemed a buildable lot.

Mark asked the Chair to have Planning Board alternate Kevin Flicker, sit in judgement on the Board as Steve Jennings recused himself from the discussion as a property abutter.

Matt said that Kurt Singer built on a 100-foot frontage lot and then purchased more land so there has been a precedent set. Kevin asked how this would not set a precedent going forward for all 100 foot lots. Jeff said the Planning Board is allowed to take every case separately. He argued that if the Planning Board denies the permit, the property would have to come off the tax roll as a buildable lot and that would be a detriment to the town.

Gail Kapiloff, property abutter, pointed out that she and her husband purchased two lots because they needed 200 feet, per town bylaws. She has concerns that a house built on the lot would invade their privacy and that's not what they thought they would get when they purchased the property. Jeff said a building envelope can be put into the special permit to create separation.

Bob Kelly purchased property in Lanesboro and likely is no longer interested in buying this lot.

Al Seney said the state required all lots in common control to be brought up to the new standard, which has not been done with this lot. Jeff argued that even if the property were under common control, the Planning Board can issue a special permit for the 100-foot frontage.

Hearing closed at 8:01 on a motion by Mark, seconded by Jen.